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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,642	02/09/2001	Daniel Pettigrew	G&C 30566.136-US-01	6386

22462 7590 09/27/2004

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EXAMINER

WU, JINGGE

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/780,642	Applicant(s) PETTIGREW ET AL.	
	Examiner Jingge Wu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 20-28 and 30 is/are rejected.
- 7) ☐ Claim(s) 9, 19, 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

Applicants' response to the last Office Action, filed June 23, 2004 has been entered and made of record.

Applicants' amendment has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.

### ***Remarks***

Applicant's arguments with respect to independent claims 1, 10, 11, 20, 21, and 30 have been fully considered, but they are not persuasive.

a. Applicant argues that Takashima does not teach identifying a luminance range independently from identifying a color vector by a user because Takashima only mentions identifying a color vector (a characteristic curve of a color signal) which include modification of the black and white level.

Examiner disagrees. In fact, Takashima expressly mentions that image correction (modifying) means for determining the characteristic curve (color vector) through inputting black level and white level (luminance range) by a user (col. 16 line 66-col. 17 line 25).

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no support in the specification that expressly mention identifying luminance range "independently" from identifying the color vector.

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***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 10-11, 20-21, 30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for identifying luminance range and color vector, does not reasonably provide enablement for identifying luminance range independently from identifying the color vector. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to fully understand the invention commensurate in scope with these claims. As illustrated in figs. 6-8, and corresponding explanation in the specification (page 10-13), the color vector and luminance range are in the one coordination system and luminance range can determine the color correction of color vector. There is only dependant relationship in fig. 6, no independence of each other.

Claims 2-8, 12-19, and 22-29 depend from 1, 11, and 21, respectively are, thus, rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-8, 10-18, 20-28, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6504551 to Takashima et al.

As to claim 1 (as best understanding of the Examiner), Takashima discloses Apparatus for processing image data comprising:

storage means for storing instructions (fig. 1 12);

memory means for storing the instructions during execution and for storing image data (fig. 1 13);

processing means (fig. 1, 11) and display means (fig. 1, 14) for allow user to interact and modify the color values, wherein,

identifying, through input from a user, a color vector ( $P_i$ ) and luminance range (BL and WL) for said color vector (fig. 3a, col. 16 lines 31-52), wherein said luminance range is identified by the user independently from the identifying of the color vector (col. 16 line 66-col. 17 line 25);

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defining a color vector function (equation 1) in response to said identifying (col. 17, lines 5-32);

modifying colors in response to the luminance values with reference to the color vector function (fig. 2-fig. 3B, col. 16 line 66-col. 17 line 35).

As to claims 2-3, Takashima further discloses the color vector function is defined by points on curves and is animated ((fig. 3A, L1 and L2, note that users can move, change, and operate on the curves).

As to claim 4, Takashima further discloses the color vector function is defined by applying the identified color vector to a previously defined color vector function (fig. 3A-B, col. 16 line 31-col. 17 line 32).

As to claim 5, Takashima further discloses LUT (fig. 2, col. 15 line 46-col. 16 line 16).

As to claim 6, Takashima further discloses the color vector function defines red, green blue displacement with reference to coordinates (col. 15 line 46-col. 16 line 16, col. 24 lines 19-52).

As to claim 7, Takashima further discloses a user performs operations to control the image processing with a GUI on a monitor, the interface including a plurality of widgets for facilitating user communication with the processes for modifying color values (fig. 1, 3A, 40-43).

As to claim 8, Takashima further discloses the identification of a color vector (Pi) is performed with reference to a user input of coordinates from a two dimensional trackball widget (mouse) which dimensions are pure color (fig. 3A-B, col. 16 line 31-col. 17 line 32).

As to claims 10, 11-18, 20, 21-28 and 30, the limitations are addressed with regard to claim 1-9, (note that updating the color vector function is inherent when user either choosing other Ps or inputting luminance ranges).

### ***Allowable Subject Matter***

Claims 9, 19, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if **rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

